

## REMARKS/ARGUMENTS

Claims 1-32, 57-85, and 89-103 are pending in this application, and have been amended.

Applicants would like to thank the Examiner for the courtesy extended to the undersigned attorney during a telephone interview on June 30, 2009. During that interview, the above amendments to the claims were discussed, and are believed to put the application into condition for allowance. It is respectfully submitted that the application is now in condition for allowance. Specifically, each of claims 2-23, as now amended, is patentable over the references being relied upon in the Office Action, as none of these references, alone or in combination, discloses, teaches or suggests all of the limitations recited at any of these amended claims.

The amendments to claims 1-32, 57-85 and 89-103 changing "subsample representation" to "subsample resolution representation" are supported in Applicants' specification at page 3, lines 16-20, page 4, lines 4-7, page 6, lines 3-7, and page 8, line 20-page 13, line 9.

## CLAIM REJECTIONS UNDER 35 USC 103

Claims 1-32, 57-85 and 89-103 are rejected as being unpatentable over combinations of Benati, Malloy-Desormeaux, Naqvi, and Nicponski. Claims 1-32, 57-85 and 89-103, as now amended, are allowable over any combination of these references, because they do not disclose, teach, nor suggest each and every limitation of any of these amended claims. Specifically, Benati does not disclose modifying an area within a digitized image indicative of a red-eye phenomenon based on an analysis of a subsample resolution representation of selected regions of said digitized image wherein a degree of subsampling of the subsample resolution representation is based upon complexity of calculation of the red-eye filter and on an analysis of meta-data information, and on data obtained from the camera relating to image processing analysis of a precapture image.

As pointed out by the Examiner during the interview, Benati discloses segmentation of an image at element 220 illustrated at Figure 3 in a detection phase.

Benati also discloses to use a same or different resolution during the fix phase. However, Benati does not teach nor suggest modifying an area within a digitized image indicative of a red-eye phenomenon based on an analysis of a subsample resolution representation of selected regions of said digitized image. Advantageously, significant data are maintained while reducing an amount of pixel-wise calculations involved in the analyzing, which can be generally costly operations.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. The Examiner's reconsideration and further examination are respectfully requested.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 50-4399.

Respectfully submitted,

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